



**TOWN OF AMHERST, MASSACHUSETTS  
FINANCE COMMITTEE REPORT**

and

**RECOMMENDATIONS TO THE  
246th ANNUAL TOWN MEETING**

**Part One**

APRIL 27, 2005  
7:30 O'Clock p.m.  
Amherst Regional Middle School Auditorium

# **2005 TOWN MEETING SCHEDULE**

## **Town Meeting Begins:**

WEDNESDAY, APRIL 27, 2005

**The following dates are tentative. Town Meeting will decide each night when the next session will be.**

MONDAY, MAY 2, 2005

WEDNESDAY, MAY 4, 2005

THURSDAY, MAY 5, 2005

THURSDAY, MAY 12, 2005

MONDAY, MAY 16, 2005

WEDNESDAY, MAY 18, 2005

MONDAY, MAY 23, 2005

WEDNESDAY, MAY 25, 2005

THURSDAY, MAY 26, 2005

WEDNESDAY, JUNE 1, 2005

MONDAY, JUNE 6, 2005

**All meetings begin at 7:30 p.m.**

**Meetings will be held at:**

**Amherst Regional Middle School Auditorium**

**THERE ARE ONLY A LIMITED NUMBER  
OF REPORTS AVAILABLE.  
PLEASE BRING THIS REPORT WITH YOU.**

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## AMHERST TOWN BYLAWS - ARTICLE 1

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### RULES OF ORDER FOR TOWN MEETING

1. **CONSENT CALENDAR.** At least five business days prior to the opening of the first session of the Annual Town Meeting or any Special Town Meeting, the moderator shall propose to all members a "Consent Calendar" listing all articles and budget areas which, based on the records of recent town meetings, the moderator deems to be non-controversial. At the first session of the meeting, at the request of any member, any article or budget area shall be removed from the Consent Calendar so that it can be debated and voted upon in accordance with the provisions of these Rules of Order. All items remaining in the Consent Calendar shall then be voted upon by a single vote without debate.
2. Any motions shall be in writing if requested by the moderator.
3. Any question may be divided on call of a member when the sense will admit of such division.
4. **GREEN AND RED CARDS DURING DEBATE.** To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated by raising a hand without a green or red card.
5. When a question is under debate, the moderator shall receive no motion but to adjourn, to dismiss, for the previous question, to postpone for a day certain, to commit, or to amend, which several motions shall have precedence in the order herein mentioned. The meeting shall not vote to dismiss an article without having heard a voter speak in its favor, unless no one seeks to do so.
6. Following a motion under any article, the Moderator shall first recognize the proponent thereof to speak for up to five (5) minutes in favor of the motion, or with leave of Town Meeting, for additional time. Thereafter, and in the absence of leave of Town Meeting granting additional time, each subsequent speaker shall be limited to three (3) minutes. No person shall speak more than twice on the same subject, without leave of the meeting, except to raise a point of order or to answer a question.
7. When two or more motions are made with regard to the same subject relating to sums of money, numbers or times, the question shall first be put upon the largest sum or number, and the longest time.
8. **VOICE VOTES, TALLIED VOTES, AND STANDING VOTES.** All votes unless otherwise provided for by law shall in the first instance be taken by 'ayes' and 'noes' voice vote.  
  
If any member questions the voice vote, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, the vote shall be taken by counted standing vote. When a two-thirds vote is required by statute, a counted standing vote shall not be taken unless the voice vote is doubted by the moderator or questioned by a member.  
  
If, within a short but reasonable period of time following the voice vote, which period of time shall be fixed by the moderator, any member requests a tally vote and if 14 members manifest their concurrence with that member, the vote of each member shall be tallied by the use of a color-coded (green for aye, red for no) cards. Each such card shall bear the member's name and indicate his/her vote. Each member shall cast his/her own vote only. Such cards shall be collected and counted by the tellers, which count shall be determinative of the question.
9. A vote may be reconsidered only on motion of a member who did not vote with the minority. When a motion for reconsideration is decided that decision shall not be reconsidered, and no question shall be twice reconsidered.
10. A motion to dissolve shall be debatable, but a motion to adjourn to a day certain shall not be debatable.
11. No motion to dissolve a town meeting shall be in order until every article in the warrant therefor has been acted upon.
12. A registered voter of the town who ceased to be an elected town meeting member upon election as chair of the finance committee and who subsequently ceases to be a town meeting member at large upon ceasing to be chair of the finance committee shall be a town meeting member at large for a period ending on the date of the next annual town election.
13. After 10:00 PM, and in the absence of a majority vote of Town Meeting so permitting, no motion under any article other than the article then under debate may be made.

## THE FINANCE COMMITTEE AND THE BUDGET PROCESS

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### Duties of the Finance Committee

The bylaws of the Town of Amherst require the Finance Committee "to investigate all proposals in the articles of the warrant for any town meeting that shall in any way affect the finances of the town and to recommend to the town...a course of action thereon, and in general to make recommendations to the town in regard to any financial business of the town." This report is in partial fulfillment of our responsibility in regard to the 246<sup>th</sup> Annual Town Meeting.

### Budget Process

The budget process takes place throughout the year. It begins in early fall with the development of the Select Board's policy guidelines to the Town Manager, the Amherst School Committee's policy guidelines to the Superintendent of Schools, and the Library Trustees' policy guidelines to the Library Director. The various administrators confer with department heads, boards and committees to develop specific budget proposals which they feel will best meet the needs of the Town, Schools and Libraries for the next fiscal year. The Amherst-Pelham Regional Schools use the same procedure.

Also in the fall, the Town Manager presents financial projections to the other administrators, the elected boards and committees, and the Finance Committee. This provides preliminary guidance on the level of resources that may be available for the coming year.

In January, the budgets are presented to the Finance Committee, whose members spend the next few months reviewing the budgets, asking questions, and hearing comments. In the same period of time, the Joint Capital Planning Committee examines requests for capital spending in the coming year within the context of a five-year capital spending plan; it then makes recommendations to the Finance Committee, the Select Board, the School Committee, and the Library Trustees, all of whom are represented on the Joint Committee.

After much deliberation, the Finance Committee determines its recommendations on the budget to be presented to Annual Town Meeting. The budget, as voted by Town Meeting each spring, then becomes the plan of action for the following fiscal year (July 1 through June 30). Concurrently with this work, and also immediately after the close of the fiscal year, the budget of the present year is monitored and evaluated so that experience with it can guide future budget decisions.

### Budget Presentation

**Spending articles.** The operating budget for the Town as a whole makes up Article 30 of the warrant for this Annual Town Meeting. The budget is divided into sections covering five separate municipal functional areas, the elementary schools, the Regional School assessment, library services, each of four enterprise funds, and debt service. For each section, a motion will be made proposing the total amount to be spent on that section. In all cases, Town Meeting will be able to discuss individual budget lines within the sections and provide advice and direction.

Most capital spending appears in separate articles, as does funding for the various special services the Town provides. The more routine capital spending of the enterprise funds appears in their operating budgets. The same is true of the Regional Schools.

**Procedures.** Any member of Town Meeting who wishes to propose an amendment to an operating budget motion may do so by moving to increase or reduce the amount of an appropriation that has been moved. Town Meeting members should remember that the subject of these articles is the appropriation of money and not the day-to-day administration of the Town. If an amendment is proposed, it is essential for the Meeting to know what the amendment is intended to accomplish, but it should be kept clearly in mind that responsibility for running the affairs of the Town rests with the Select Board, School Committee, Library Trustees, and appointed officials.

The issues covered under each motion may be complex, especially in sections of the budget that are supported by a variety of revenue sources. Town Meeting members who want to make an alternate motion or amendment are encouraged to seek assistance from the Moderator, a member of the Finance Committee or the Select Board, or an appropriate staff person prior to introducing the amendment.

If a Town Meeting member wishes to propose an increase in the operating budget, he or she should be aware that a source of funding will have to be found to cover the increase. This could be a reduction made elsewhere in the budget, an override or exclusion referendum, or use of reserves.

In general, the amounts of money stated in the separate spending articles cannot be increased significantly on the floor of Town Meeting. If you have questions about this, please consult with the Moderator.

## FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

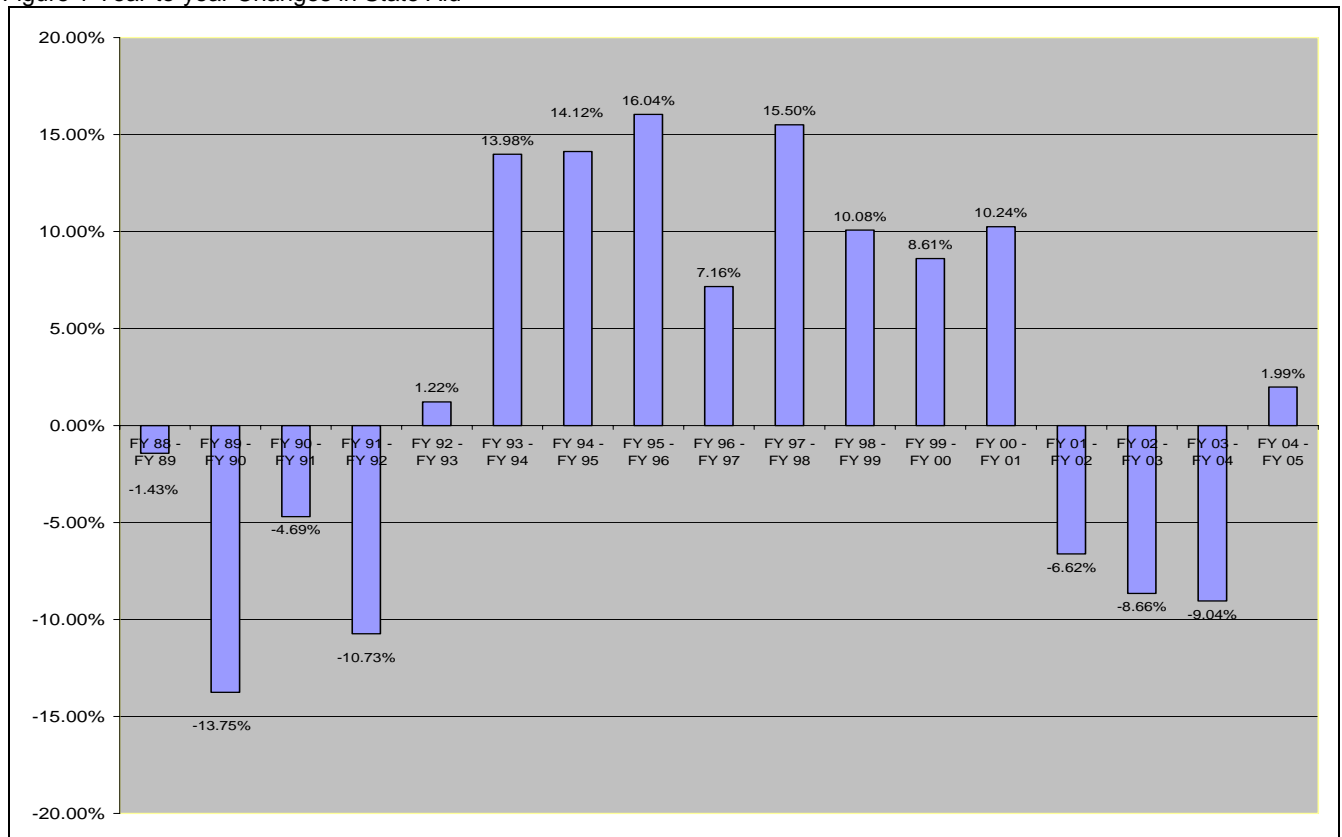
### A Report In Two Parts

The Finance Committee's Report to Amherst Citizens is being presented in two parts this year. Part One describes the Town's financial outlook and presents the non-financial articles of the warrant. Part Two will provide recommendations for a balanced budget for fiscal year (FY) 2006. Town Meeting will be asked to delay consideration of financially significant warrant articles until better information on amounts of aid from the state is available, or until the calendar dictates that the Town's budget must be passed, whichever comes first. The goal is to complete action on spending by mid-June at the very latest. The amount of state aid for Amherst proposed in the Governor's budget increases very slightly over the aid Amherst is receiving in the current year, FY 2005. The legislature is considering increasing it further. The real amount will not be known until the state budget is passed. At this point, the House and Senate budget proposals are not available yet. Aid at the level the Governor proposed would require severe cuts in services the Town provides.

### Resources

Money for the Town to pay for its schools, libraries and municipal services comes primarily from local revenues. The next largest source of money is state aid. A much smaller amount comes from the federal government and other miscellaneous sources. Our local taxes and fees are the most stable, predictable sources of our income. The \$2 million Proposition 2 1/2 override the voters approved last year created a significant increase in the property tax levy. In addition, there has been a modest, steady increase in the levy over several years resulting from growth in the amount and value of real and personal property. State aid, in contrast, can be quite volatile with respect to year-to-year changes in amount. Figure 1 shows this volatility clearly. It also shows that we have experienced a period of sharply reduced aid. Figures 2 and 3 depict how the sharp decline of state aid in recent years has resulted in a corresponding increase in the property tax burden to support Town services.

Figure 1 Year-to-year Changes in State Aid



# FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

Figure 2 General Fund Revenue by Source in Percentage

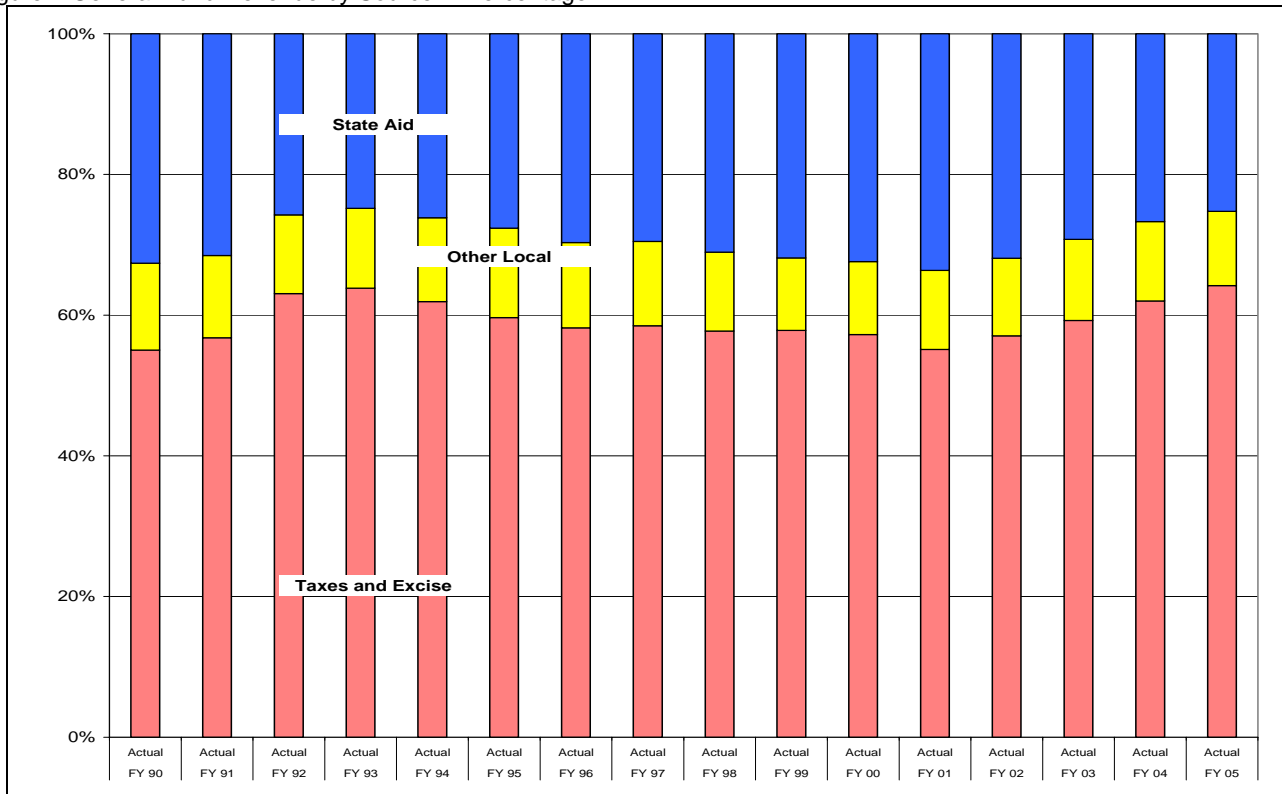
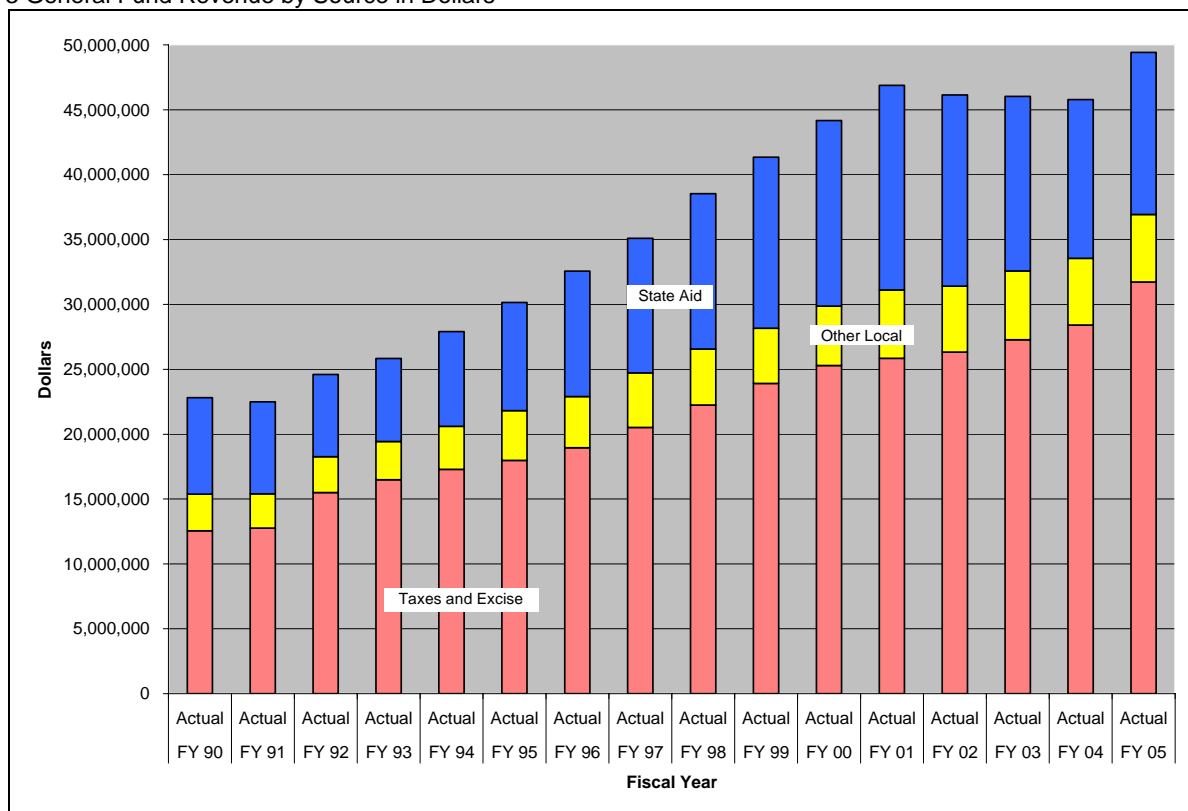


Figure 3 General Fund Revenue by Source in Dollars





## FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

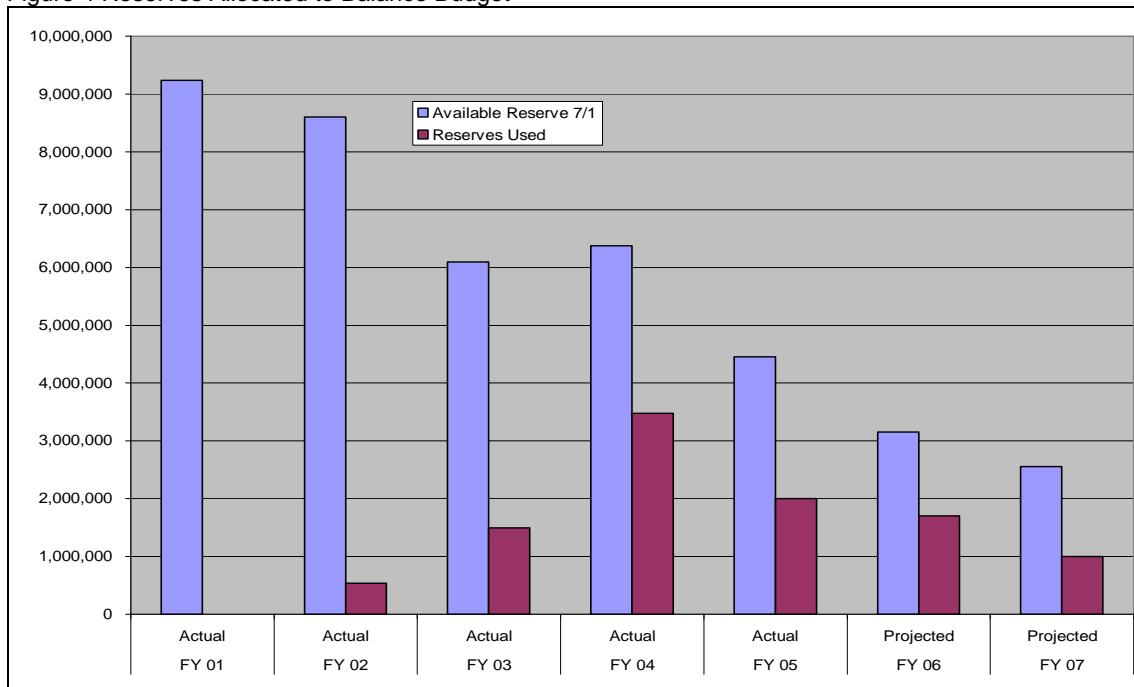
When the recent period of financial stress began, Amherst had about \$9 million in savings that were built up during the 1990's. This accumulation was possible because of a large infusion of state aid in the form of Chapter 90 aid to schools following enactment of the Education Reform Act of 1993, and because distributions of state lottery money increased significantly every year. This happy condition came to an abrupt end when changes in state and federal tax laws caused their receipts to decrease at the same time an economic downturn occurred, resulting in sharply lower receipts. Lower state and federal tax receipts translated into lower payments to local governments. Also, the state began keeping some lottery proceeds to balance its own budget, rather than paying it all out to the municipalities. To make matters worse, local governments have been given additional responsibilities requiring local expenditures.

Our recurring revenues – money from sources that continue year after year – have not kept up with inflationary cost increases needed just to maintain existing services. The resulting gap between spending and revenues is a structural deficit amounting to about \$2 million per year. The override was enormously helpful, but it did not solve the long-term problem. That requires revenue growth in excess of inflationary increases.

### Use of Reserves

Amherst has been balancing its budgets during these difficult years through a combination of limiting spending and use of "one-time" sources of funds. Amherst has followed a policy of spending its Free Cash and Stabilization Fund money in amounts intended to make those reserves last at least three years. Last year, the Finance Committee recommended extending the time period to four years, through FY 2007. The members thought the slow recovery of state and federal tax receipts made this extension necessary, and the Select Board, School Committee, Jones Library Trustee and Town Meeting seem to agree. This policy has served us well, in that Town services are still fairly well maintained and there is still some money to help out in the next two years. Some services have been diminished; some are falling behind demand for them. Although there are unmet needs in all departments, our operations appear to be within bounds of what can be called reasonably acceptable. Next year, however, may require budget cuts that will cause serious diminishment of some services. The temptation will be to spend more of our reserves than planned. We currently have \$4.5 million remaining. One million of that is set aside for emergency use only, leaving \$3.5 available. Almost half of that is expected to be used in FY 2006, with the remainder left for FY 2007 and beyond. The Finance Committee strongly recommends that the Town stick to this plan. The almost certain consequence of overspending of reserves in FY 2006 would be extremely damaging service cuts in FY 2007. Figure 4 shows the planned drawdown of reserves used to balance the budget since FY 2002 and the available amount of reserves for FY 2006 and 2007.

Figure 4 Reserves Allocated to Balance Budget



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## FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

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### Spending

Operating Budgets. Early in this year's budget process, the Finance Committee requested that the administrators and elected committees present operating budget information for FY 2006 that showed increases over FY 2005 budgets of 3 percent for municipal services and Amherst schools, 3 percent in tax support for libraries and 6 percent for the Amherst assessment in support of the Amherst-Pelham Regional Schools. These requests were based on early projections of available funds. The budgets presented show increases substantially higher than requested. The proposed increase in tax support of libraries is 7.8 percent, the Amherst School budget increase is 8 percent and the Regional School assessment is up 11.7 percent. The budget for municipal services as originally presented showed an increase of 5.6 percent. However, this budget was not directly comparable to the others because it did not include any staff or other increases beyond costs due to inflation. It was a true equal services budget; the others are not. They all include staff and other increases intended to start bringing services back to where they were before the recent financial difficulty began. Recently, the Town Manager added into the municipal services budget some needs not funded before to make the municipal budget comparable to the others. The increase is now 6.7 percent.

The problem of arriving at affordable budgets this year is compounded by unusually large increases in staff and retiree health insurance premiums, retirement pay obligations and energy costs. The Town has hired consultants who are experts in the health insurance field to assist in studying our health insurance program and finding ways to contain costs. This work is not completed, but the prospect seems to be for more hefty increases in the coming years.

The Regional assessment requires additional explanation. For two years, the four towns of the Region have voted to use the "equal percent increase" method to calculate each town's assessment. This method was used to prevent extraordinarily high increases for the smaller towns, a situation that likely would have resulted in severe cuts to the schools' budget. This method has caused Amherst to pay more than it otherwise would have, but Town Meeting agreed to the new method in order to help preserve school programs. For FY 2006, the Regional School Committee has voted to ask the towns to approve a modified form of the equal percent increase method. The modification would add \$100,000 to the Amherst assessment, relieving the smaller towns of that much of their obligation. The amount is an arbitrary figure. Using the equal percentage increase method, the assessments for all towns would increase by 10.6 percent. The modified method results in sharp differences in increase percentages for the towns: Amherst, 11.7 percent; Pelham, 7.2; Leverett, 7.6 and Shutesbury, 7.6. One effect of the change is to push the assessment structure toward the pre-Education Reform assessment method stated in the Regional Agreement, which distributes assessment amounts based solely on the number of enrolled students from each town. This is in contrast to the formula used under Education Reform, which took into account various socio-economic factors affecting each community's ability to pay. In order for this modified formula to be used, the town meetings of all four towns must agree to adopt it.

At its March 22, 2005 meeting, when the Regional School Committee voted for the modified equal percent increase method, the Committee also discussed budget reductions suggested by Superintendent Hochman in order to decrease assessments. Officials of all four towns had previously informed the Committee that the proposed assessments were too high. The Committee will consider the reductions later, when more information on state aid is available. The suggested reductions would result in the following assessment increases: Amherst, 10 percent; Pelham, 5.5; Leverett, 6 and Shutesbury, 5.9.

Capital Plan Spending. The Joint Capital Planning Committee has recommended spending for equipment, buildings and facilities that uses 10 percent of the FY 2006 tax levy minus \$200,000. The subtraction corresponds to 10 percent of the \$2 million raised by last year's override. Although the Town's policy on capital spending calls for committing 10 percent of the full levy, JCPC decided to make an exception in order to relieve some of the stress on operating budgets. JCPC made similar concessions in FY 2004 (\$124,000) and in FY 2005 (\$166,000).

### Balancing the Budget

With the size of the operating budgets as they are now, and with state aid as currently estimated, the total spending for FY 2006 could be as much as \$1.9 million more than total available resources. This is an enormous difference to overcome. The possibilities for increased state aid seem good, but not to an extent that solves the problem. The Finance Committee expects to have to recommend very difficult budget cuts and that Town Meeting also will have to recognize their necessity.

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## FINANCE COMMITTEE REPORT TO AMHERST CITIZENS

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### Finance Committee Members:

We invite your questions and views about Town money matters.

Marilyn Blaustein	253-5963
Carlton Brose	256-8425
Alice Carlozzi, Chair	549-1236
Michael Mascis	253-9165
Matthieu Massengill	259-2980
Brian Morton, Vice Chair	549-4161
Kay Moran	549-5767

## ANNUAL TOWN MEETING WARRANT ARTICLES

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**ARTICLE 1.      Reports of Boards and Committees  
                     (Select Board)**

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

**NO RECOMMENDATION.**

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**ARTICLE 2.      Transfer of Funds – Unpaid Bills  
                     (Select Board)**

To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.** This article appears on the warrant to provide an opportunity to pay bills of prior fiscal years that were presented to the Town too late for payment in the appropriate year. The Finance Committee's recommendation will be made later, to allow more time for bills to come in.

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**ARTICLE 3.      FY 05 Budget Amendments  
                     (Finance Committee)**

A.      To see if the Town will amend Article 16 of the 2004 Annual Town Meeting (Reserve Fund) by increasing the appropriation by \$60,000 and to meet such increased appropriation transfer \$60,000 from Free Cash in the Undesignated Fund Balance of the General Fund.

B.      To see if the Town will amend Article 14 of the 2004 Annual Town Meeting (FY 2005 Operating Budget) to distribute the amount appropriated for FY 05 salary adjustments for Town and Library employees by decreasing the appropriation and the amount to be raised by taxation for General Government by \$150,718 and by increasing the appropriations and the amounts to be raised by taxation for the following by the following amounts:

- a.    Public Safety \$58,845
- b.    Public Works \$22,859
- c.    Planning, Conservation, and Inspections \$26,830
- d.    Community Services \$26,604
- e.    Jones Library \$15,580

**PART A: RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

**PART B: RECOMMENDED.** Part B redistributes money appropriated to General Government at last spring's Annual Town Meeting to pay for estimated salary increases that might be required at the conclusion of ongoing staff contract negotiations. Money for all five of the municipal budget's functional areas as well as Jones Library employees was assigned to General Government, because the correct distribution was not known at the time. Because each of these sections is voted separately by Town Meeting, a vote by Town Meeting is also required to put the money where it is needed. Part B does would not result in any additional spending. The Finance Committee voted unanimously to approve Part B of the article.

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**ARTICLE 4.      Optional Tax Exemptions  
                     (Select Board)**

To see if the Town will authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

**RECOMMENDED.** This local option authorizes assessors to reduce property taxes for certain qualifying taxpayers (elderly or blind persons, veterans and surviving spouses). The reduction is in addition to the base amount allowed by the state. The

## ANNUAL TOWN MEETING WARRANT ARTICLES

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option has been in effect in Amherst since FY 94, the first year for which Town Meeting adopted it. The option must be renewed annually. The cost to the Town in FY 05 to provide these tax exemptions is \$97,475, with reimbursement by the state of \$30,883. The vote to recommend this article was unanimous.

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### **ARTICLE 5.      Authorization for Compensating Balance Accounts                          (Select Board)**

To see if the Town will accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

**RECOMMENDED.** Acceptance of this provision of the Massachusetts General Laws authorizes the Town Treasurer to enter into certain banking agreements that require maintenance of a minimum account balance. These agreements typically offer either higher interest rates or some free services in exchange for maintaining a minimum balance. Town Meeting authorization is required annually because, in effect, funds may be expended for services without an appropriation. The Treasurer bids all banking services and bank service fees and determines which proposals are most advantageous for the Town. The Finance Committee believes it is appropriate to provide the Treasurer with the flexibility to use this type of account. The vote to recommend this article was unanimous.

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### **ARTICLE 6.      Retirement Assessment                          (Select Board)**

To see if the Town will raise and appropriate \$2,492,946 for the Hampshire Regional Retirement System assessment.

**RECOMMENDED.** The Town, as a member of the Hampshire Retirement System, pays an annual assessment that covers benefits to current retirees and funding for future retirees. The assessment is based on the payrolls of municipal and library employees as well as non-teaching elementary school employees. The \$2,492,946 to be appropriated in this article is an increase of \$300,063, or 13.7 percent, from the FY 05 assessment. The unusually large increase is attributable to recent weak investment returns and to a jump in the number of Amherst retirees in response to last year's early retirement incentive program adopted by the Town. The Finance Committee voted unanimously to recommend this article.

Nearly all of the financially significant articles are grouped toward the end of the warrant of this Annual Town Meeting in order to delay spending decisions until more information on local aid in the state budget becomes available. This article was placed in the early part of the warrant because the Town must pay the assessment; therefore the article has no effect on the amount of funds available for other purposes.

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### **ARTICLE 7.      Five Year Contract for a Telephone System                          (Select Board)**

To see if the Town will, in accordance with M.G.L. Chapter 30B, sec. 12 (b), authorize the Chief Procurement Officer to enter into a contract for a new telephone system for a period not to exceed five years.

**RECOMMENDED.** This article will permit the Town to negotiate a lease-purchase contract to acquire a telephone system serving municipal and library buildings using the Town's existing fiber optic network. The contract would require no funding beyond current spending on telephone service, because savings from reducing the number telephone lines rented from Verizon would offset the cost of equipping and maintaining the new system. The new network-based system will replace several autonomous telephone systems with a unified one allowing improved services. The new system will require regular spending for equipment maintenance and replacement, as does the current telephone service. This is a change in operations that requires Town Meeting approval only because of the length of the proposed lease agreement. State law requires that all leases in excess of three years in duration be approved by Town Meeting.

## ANNUAL TOWN MEETING WARRANT ARTICLES

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**ARTICLE 8.      Special Services - Amherst Community Television  
                      (Select Board)**

To see if the Town will raise and appropriate \$4,000 for Amherst Community Television and related expenses.

**RECOMMENDED.** This article authorizes use of revenue from Comcast for purposes related to enforcement of the cable License Agreement between the Town and Comcast and for Amherst Community Television (ACTV). The Town receives 50 cents per subscriber under the current contract with Comcast. Pursuant to a separate contract between the Town and ACTV to manage our public access station, the Town is to make this money available to ACTV if unused or uncommitted by the Cable Advisory Committee (CAC) by March 1 of each year, supplementing the much larger amount they get directly from Comcast. The Finance Committee voted unanimously to recommend this article.

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**ARTICLE 9.      Petition – Electricity Deregulation Study Committee  
                      (B. Bouricius)**

“To see if the Town will vote to request that the Select Board appoint a five-member committee to study the impact on the town, its residential and business electricity users of the recent final deregulation of electric utility rates and propose methods by which the town could assist these residential and business electricity users to join together, with town involvement if necessary, to obtain environmentally responsible lower electric rates.”

**RECOMMENDED ON CONDITION THAT THE STUDY COMMITTEE PROPOSES METHODS OF BENEFIT TO THE TOWN AS WELL AS TO RESIDENTS AND BUSINESSES.** Substantial benefits to the Town, and ultimately to individuals and businesses, could result from the work of the proposed committee. Its membership could include people in the community with relevant expertise. The Town itself has a strong interest in the subject to be studied. Responsible use of energy has been a high priority for many years, especially in the Water and Sewer Departments, where energy use is very high. The Finance Committee’s concern with the language of the article is that, while the article speaks of the impacts of deregulation on the Town and the residential and business electricity users, it asks for methods for the Town to assist residents and businesses but not to assist itself. Our support for the article is based on the assumption that the charge to the new committee will clarify that proposals are to include the Town. The Finance Committee voted unanimously to recommend this article with that condition.

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**ARTICLE 10.     Community Preservation Act – Historic Preservation  
                      (Community Preservation Act Committee)**

To see if the Town will appropriate \$242,500 from the Community Preservation Fund annual revenues or available funds for historic preservation projects.

**RECOMMENDED.** Funding for this article and Article 11 comes from a property tax surcharge (authorized by the Community Preservation Act CPA as adopted by Amherst in 2001) and matching state funds. Historic preservation is one of the four purposes for which the money can be spent. This appropriation would pay for the following projects:

\$ 150,000	West Cemetery restoration/improvements
20,000	Archival materials restoration and conservation
50,000	Town Hall masonry restoration
15,000	Dickinson Museum landscape improvements
7,500	Interpretive publications
<u>7,500</u>	
\$ 242,500	

The Amherst Historical Commission recommended all of these items to the CPA Committee. They are described in detail in the Commission’s report. The West Cemetery project would pay for restoring the oldest headstones in the cemetery, about half of the total number. The archival funds are needed to restore and conserve historical records and documents of the Jones Library and Town Clerk. The money would be divided equally between the two, with similar annual appropriations continuing for another four years. The Town Hall masonry money would pay for design specifications and bid documents necessary before the actual restoration is undertaken with Capital Plan funds. The Dickinson landscape funding is to support research, planning and design work for historically appropriate restoration of landscaping of the Dickinson properties in conjunction with

## ANNUAL TOWN MEETING WARRANT ARTICLES

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the ongoing restoration of the buildings themselves. Although the Town does not own these properties, it has a strong interest in collaborating in the design in order to promote compatibility with the surrounding area. The interpretive publications would provide new publications about the Dickinson District, West Cemetery and the new community history mural being installed there. Research, development and printing of the material would be a timely contribution to Amherst's 250th anniversary celebration. The Finance Committee voted unanimously to recommend this article.

Ideally, Articles 10 and 11 would be considered within the context of total capital spending. All of the other capital articles will be described in Part 2 of this report, along with the rest of the financially significant articles. The CPA committee has rearranged its work schedule to make such integrated treatment possible. The two articles were pulled out of that part of the warrant in order to allow Town Meeting to complete as much of its work as possible while waiting for local aid information from the state. Because the two articles use only CPA funds, they have no effect on the amount of money available for other purposes.

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### **ARTICLE 11.      Community Preservation Act – Housing Project on Main Street                          (Community Preservation Act Committee)**

To see if the Town will appropriate to the Amherst Housing Authority \$155,000 from the Community Preservation Fund annual revenues or available funds for a community housing project on Main Street, including the acquisition of land shown as Parcel 249 on Assessors' Map 14B, such appropriation to be subject to and contingent upon the tender to the Town by the Amherst Housing Authority of an Affordable Housing Restriction, and to authorize the Select Board to accept such Affordable Housing Restriction.

**RECOMMENDED.** This article would continue work toward providing affordable housing off Main Street. The Special Town Meeting of October 24, 2003 provided \$75,000 for land acquisition and pre-construction activities. This \$155,000 will supplement grant money to continue the purchase/development of the property. Money for this project comes from the CPA property tax surcharge and matching state funds, as in Article 10. Affordable housing is one of the four purposes for which CPA money can be spent. The Finance Committee voted unanimously to recommend this article.

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### **ARTICLE 12.      Easement – Meadow Street Bridge                          (Select Board)**

To see if the Town will authorize the Select Board to acquire by gift or purchase temporary and permanent easements, as set forth below, for roadway construction, roadway safety improvements and for the replacement of Meadow Street Bridge over Swamp Brook:

- A. Temporary easement (TE-1) for construction purposes in a portion of the parcel shown as Parcel 5 on Assessors Map 4B, totaling 6666 square feet; more or less;
- B. Permanent Easement (BA-1) for the purpose of stabilizing of bridge abutments in a portion of Parcel 5 on Assessors Map 4B, totaling 109 square feet, more or less;
- C. Temporary easement (TE-2) for construction purposes in a portion of the parcel shown as Parcel 6 on Assessors Map 4B, totaling 2371 square feet; more or less;
- D. Permanent Easement (BA-2) for the stabilization of bridge abutments in a portion of the parcel shown as Parcel 6 on Assessors Map 4B, totaling 47.7 square feet., more or less.

The foregoing easements are more particularly shown on a plan of land entitled The Commonwealth of Massachusetts, Massachusetts Highway Department, Plan and Profile of Meadow Street over Swamp Brook in the Town of Amherst, Hampshire County, dated March 21, 2005, by Purcell Associates Consulting Engineers.

**RECOMMENDED.** The pending renovation of the Meadow Street Bridge and roadway by the state requires four easements to allow the work to proceed. All of the property owners involved have agreed to provide the easements. There will be no cost to the Town. The Finance Committee voted unanimously to recommend this article.

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**ARTICLE 13.      Temporary Construction Easement – East Leverett Road Bridge  
                         (Select Board)**

To see if the Town will authorize the Select Board to acquire by gift or purchase temporary easements, as set forth below, for roadway construction, roadway safety improvements and for the replacement of East Leverett Road bridge over Mountain Brook:

- A. Temporary easement (TE-1) for construction purposes in a portion of the parcel shown as Parcel 18 on Assessors Map 3B, totaling 300 square feet, more or less;.
- B. Temporary easement (TE-2) for construction purposes in a portion of the parcel shown as Parcel 16 on Assessors Map 3B, totaling 191 square feet, more or less.

The foregoing easements are more particularly shown on a plan of land entitled "The Commonwealth of Massachusetts, Massachusetts Highway Department, Bridge Replacement Project for East Leverett Road over Mountain Brook, Bridge No. A-08-020 in the Town of Amherst, Hampshire County," dated June 11, 2004, by Transystems Corporation

**RECOMMENDED.** Two temporary easements are necessary for this bridge repair project. The property owners have agreed to the easements. There will be no cost to the Town. The Finance Committee voted unanimously to recommend this article.

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**ARTICLE 14.      Street Acceptance – Owen Drive  
                         (Select Board)**

To see if the Town will accept as a Town way Owen Drive as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required.

**RECOMMENDED.** All permit requirements have been met, making the street eligible for acceptance by the Town. The Finance Committee voted unanimously to recommend this article.

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**ARTICLE 15.      Petition – Bicycle Lane on Main Street  
                         (V. Kaynor)**

"To see if the Town will vote to remove "temporary" parking on the north side of Main Street between Triangle Street and Lessey Street in order to re-establish the bicycle lanes that existed before the parking garage construction."

**RECOMMENDED: REFER TO THE SELECT BOARD.** The purpose of this article is to further the goal of providing an adequate east-west bicycle lane to the network of existing bicycle lanes in the Town. Removal of the parking places would allow such a lane on a short section of Main Street in the downtown area. However, to the east and to the west of this section, the street is too narrow to extend the bicycle lane. The Finance Committee thinks it would be relatively unproductive to create this short, isolated section. Also, there are different points of view about the desirability of keeping the parking places, the importance of their use now, and increased use that may occur as a result of improvements in progress and contemplated for the Dickinson properties. Rather than removing the parking places right now, we recommend the following: that the Select Board, assisted by other relevant Town committees and in consultation with a variety of interested parties, undertake a study of how it might be possible to provide a bicycle lane on Main Street from the railroad tracks past Sweetser Park to Boltwood Walk. This is the unanimous recommendation of the Finance Committee.

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**ARTICLE 16.      Cell Tower Lease  
                         (Select Board)**

To see if the Town will authorize the Town Manager to enter into a lease with Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, such lease to be for approximately 10,000 square feet of land owned by the Town,



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plus access thereto, located off Pulpit Hill Road, being a portion of land described in a deed recorded at Hampden County Registry of Deeds Book 4795, Page 88; such lease to have an initial term of five (5) years with three (3) options to renew for five (5) years each; such lease to be in substantially the form proposed by the Town to allow for the installation of a multi-user telecommunications facility and related purposes.

**RECOMMENDED.** The proposed cell tower would improve service in this area. The Town's Sewer Fund owns the property. In the first year of the lease, the Sewer Fund would receive \$19,200 plus \$12,000 for each of five levels that might be rented out to others. These amounts would increase 3 percent each year. The Town would have access to the tower for its own purposes. Town Meeting approval of the lease is required because its duration is longer than three years. The Finance Committee voted unanimously to recommend this article.

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### **ARTICLE 17.      Petition – Transfer Control of Wentworth Farm                          (V. Morales)**

“To see if the Town will vote:

Whereas, 25 – 30 acres of land bounded by Belchertown Road, Old Farms Road, and land of the Conservation Commission abutting the Fort River and composed of Parcel 46 and portions of Parcel 17 and 18 of Map 18A of the Town Cadastre have been owned by the town and managed by the Conservation Commission since 1983; and,

Whereas, because of wetlands and vernal pools, this 25 – 30 acre parcel has only 3 plus buildable acres – which buildable acreage is compromised by being a functional part of the habitat of an endangered species; and,

Whereas, uses previously proposed for this land; and elementary school site (rejected by voters and town meeting, and later withdrawn as a school site by the superintendent), soccer fields (insurmountable environmental barriers), affordable housing (adverse environmental impacts plus the costs of very long driveways), and a playground (adverse environment impacts, driveway costs, and security) have proved to be unworkable; and,

Whereas, there are both private and public parcels that would be suitable for elementary school sites, if needed; and no parcel or parcels of conservation land north of the center of town or elsewhere are or have been determined to be suitable school sites for which this land could serve as compensation;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Representative Town Meeting vote to transfer this 25 – 30 acres of land now informally managed for the town by the Conservation Commission and composed of Parcel 46/Map 18A and portions of Parcels 17 and 18 of Map 18A of the Town Cadastre and bounded by Belchertown Road, Old Farm Road, and land of the Conservation Commission abutting the Fort River from the care and custody of the Select Board to the formal management and control of the Conservation Commission under Massachusetts General Laws, Chapter 40, Section 8C.”

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.** The Finance Committee was not able to meet with the petitioner in time to include a recommendation in this report.

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### **ARTICLE 18.      Zoning Map – Olympia Drive Rezoning (R-F to R-N)                          (Planning Board)**

To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Map 8D, Parcel 20 from Fraternity Residence (R-F) to Neighborhood Residence (R-N).

**NO RECOMMENDATION.**

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### ARTICLE 19. Zoning Bylaw – Supplemental Apartments (Planning Board)

To see if the Town will amend Section 5.011 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the new language in ***bold italics***, and reorganizing the section as follows:

#### 5.011 Supplemental Apartment

5.0110 ***A supplemental apartment is a separate, self-contained dwelling unit incorporated within and accessory to a single family detached dwelling. As an accessory use to a single family dwelling, a supplemental apartment is exempt from the additional lot area/family requirement of Table 3. Supplemental apartments serve the following purposes:***

***5.01100 To meet the various needs of households at differing stages in their life cycle, such as providing older or disabled homeowners, or their relatives, household members, or caregivers, with housing appropriate to their circumstances, as well as a source of rental income and an opportunity for companionship, security, and caregiving services.***

***5.01101 To allow for the creation of new, moderately priced rental housing in owner-occupied residences, thereby protecting the economic diversity, social stability, property values, and residential character of established neighborhoods.***

5.0111 The Board of Appeals may authorize under a Special Permit in ~~the~~ Outlying Residence, Low Density Residence, Neighborhood Residence, and Village Center Residence ***and General Residence*** Districts, one supplemental apartment accessory to the use of a ~~one~~***single***-family dwelling, provided that:

***5.01110 There shall not be more than 600 800 square feet of gross floor area in the a supplemental apartment, and except that any apartment built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in gross floor area.***

***5.01111 Any one single family dwelling in which a supplemental apartment is constructed shall not be used simultaneously as a Rooming House for accessory lodging under any provision of Section 5.010.***

***5.01112 One of the dwelling units shall be occupied by the owner(s) of the principal single family residence, which requirement shall be made a condition of any Special Permit issued under this section.***

***5.01113 Notwithstanding the provisions of Section 12.14, a supplemental apartment shall be occupied by a total of no more than two (2) people.***

**NO RECOMMENDATION.**

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### ARTICLE 20. Zoning Bylaw – Affordable Cluster Dimensions (Planning Board)

To see if the Town will amend the dimensional table for affordable cluster developments under Section 4.332 of the Zoning Bylaw by removing the ~~lined-out~~ numerals and adding the numerals in ***bold italics***, as follows:

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4.332 For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3:

	<u>R- LD</u>		<u>R- O</u>		<u>R-N</u>		<u>R-VC</u>	
	SF	Duplex / Attached	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached
Cluster Minimum Lot Areas (sq. ft.)	25,000	25,000	15,000	15,000	10,000	10,000	7,500	7,500
Additional Lot Area/Family (sq. ft.)		10,000		6,000		4,000		2,500
Lot Frontage (ft.)	100*	100*	100*	100*	80*	80*	60*	60*
Minimum Front Setback (ft.)	<del>40*</del> <b>20*</b>	<del>40*</del> <b>20*</b>	<del>40*</del> <b>20*</b>	<del>40*</del> <b>20*</b>	<del>30*</del> <b>15*</b>	<del>30*</del> <b>15*</b>	<del>25*</del> <b>10*</b>	<del>25*</del> <b>10*</b>
Minimum Side/Rear Setback (ft.)	15*	15*	15*	15*	15*	15*	10*	10*
Maximum Building Coverage (%)	10*	10*	15*	15*	<del>20*</del> <b>25*</b>	<del>20*</del> <b>25*</b>	<del>25*</del> <b>30*</b>	<del>25*</del> <b>30*</b>
Maximum Lot Coverage (%)	15*	15*	25*	25*	<del>30*</del> <b>35*</b>	<del>30*</del> <b>35</b>	<del>40*</del> <b>45*</b>	<del>40*</del> <b>45*</b>

\*May be modified by the Planning Board by Special Permit.

### **NO RECOMMENDATION.**

#### **ARTICLE 21. Zoning Bylaw – R-G & R-VC Dimensions (Planning Board)**

To see if the Town will amend Table 3, Dimensional Regulations, and associated Footnote m. of the Zoning Bylaw by: 1) adding footnote m. (superscript) to the Basic Minimum Lot Area and Additional Lot Area/Family requirements in the Village Center Residence (R-VC) District, and 2) amending footnote m. by deleting the ~~line-out~~ language and adding the language in ***bold italics***, as follows:

- m. For new town houses (Section 3.322) ***and*** apartments (Section 3.323), ~~and subdividable dwellings (Section 3.3240), these areas shall apply~~ in addition to the areas required by this table for any existing dwelling units on the lot. ~~In addition, the density for new town houses, and apartments, and subdividable dwellings shall not exceed one dwelling unit per 6,000 sq. ft. of the remaining lot area, or the entire area in the case where there are no existing dwelling units~~ ***the existing average residential density for lots in the surrounding neighborhood. Existing average residential density shall be derived by: 1) calculating the existing density (dwelling units/sq. ft) for each lot within 500 feet of the boundary of the subject property in the same zoning district, 2) summing the existing densities for all said lots, and 3) dividing the resulting figure by the total number of said lots. Not to be included in the calculation of existing average residential density are any of the following properties: 1) properties zoned or developed for non-residential uses, 2) vacant properties in public or institutional ownership, or privately-owned vacant properties more than 50% larger than the average size of developed residential lots within the area of the calculation, and 3) properties on which anomalous residential uses such as group***

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*quarters, congregate housing, or similar uses lacking dwelling units are located. Provisions for affordable housing density bonuses under this Bylaw shall apply under this section.*

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.** The Finance Committee will make its recommendation after the Planning Board has completed its study of the effects of the article.

### ARTICLE 22. Zoning Bylaw – Inclusionary Zoning (Planning Board)

To see if the Town will add a new Article 15, Inclusionary Zoning, and amend Article 12, Definitions, of the Zoning Bylaw as follows:

#### A. Add the following new Article 15, Inclusionary Zoning:

### ARTICLE 15 INCLUSIONARY ZONING

#### 15.0 INTENT & PURPOSE

#### 15.1 REGULATIONS

#### SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in Section 12.00.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

#### SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

- 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units at the following minimum rates:

<u>Total Development Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

\* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

For developments of **21** or more total units, calculation of the number of affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

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- 15.11 Affordable dwelling units provided under Section 15.10 shall be counted as meeting the requirements for affordability density bonuses under the provisions of Section 4.550.0 (Open Space Community Developments).
- 15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be permanently available for purchase by eligible low-and moderate-income buyers, and available for a minimum of twenty years in the case of rental housing.
- 15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.14 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape.

**B. Amend Article 12, Definitions, by adding the following new language under Section 12.00, and renumbering the remaining sections accordingly:**

- 12.00 ***Affordable Units: Affordable housing units shall be those which may be rented or purchased by those who meet the guidelines for maximum annual income for a low-income or moderate-income family or household. The income limit for "low income" shall be 80% of the median income for Amherst, and the income limit for "moderate income" shall be 120% of median income for Amherst. Median income for Amherst will be as calculated by the U.S. Department of Housing and Urban Development, or any successor agency, and shall be adjusted for family size.***

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**NO RECOMMENDATION.**

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**ARTICLE 23. Zoning Bylaw – Preliminary OSCD  
(Planning Board)**

To see if the Town will amend Section 4.58 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and renumbering the affected sections, as follows:

- 4.58 Review and Approval Process
- 4.580 The ***permit granting board for a Preliminary Open Space Community Development (OSCD) Plan, and the*** Special Permit Granting Authority for an ***Final*** Open Space Community Development (OSCD) ***Plan*** shall be the Planning Board, in accordance with the provisions of Section 10.3, the purposes, standards and requirements of Section 4.5, and such other requirements of this bylaw as may be applicable.
- 4.581 ***Preliminary OSCD Plan Approval***
- 4.5810 ***Prior to submitting a Special Permit application under this section for approval of a Final OSCD Plan, an applicant shall submit a Preliminary OSCD Plan for the review and approval of the Planning Board. The review procedure for a Preliminary OSCD Plan, including transmittals, notice, and public hearing, shall be conducted in accordance with the procedures required for Special Permits or Site Plan Review, as described in Section 11.23. The participation of prospective owners or occupants of future dwelling units is encouraged. At the time of application for Preliminary OSCD Plan approval, a minimum of thirty percent (30%) of the total proposed dwelling units in an OSCD shall be under agreement for conveyance to parties who intend to occupy said dwelling units. In addition to the notice requirements of M.G.L. Chapter 40A, notice of all public hearings held in connection with the Preliminary OSCD plan application shall be sent to all parties to such agreements.***

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- 4.5811** *A Preliminary OSCD Plan shall include, at a minimum, an accurate surveyed site plan and appropriate information regarding site conditions, topography, and existing utilities, as well as proposed conceptual layouts for utilities, roadways, buildings, proposed landscape improvements and such other information as may be required by the Rules and Regulations of the Special Permit Granting Authority.*
- 4.5812** *Approval of a Preliminary OSCD Plan shall not constitute approval of a Special Permit for any subsequent Final OSCD Plan, nor shall approval of a Preliminary OSCD Plan obligate the Special Permit Granting Authority to approve any subsequent Final OSCD Plan derived from said Preliminary OSCD Plan. Submittal, review, and approval of a Preliminary OSCD Plan is intended only to facilitate the procedure of application for and development of a Final OSCD Plan meeting the intent of the Zoning Bylaw.*
- 4.582** ***Final OSCD Plan Approval***
- 4.5820** At the time of application for a Special Permit ***for approval of a Final OSCD Plan*** under this section, a minimum of thirty percent (30%) of the total dwelling units in an OSCD shall be under agreement for conveyance to parties who will occupy said dwelling units. ***In addition to the notice requirements of M.G.L. Chapter 40A, notice of all Special Permit public hearings held in connection with the Final OSCD plan application shall be sent to all parties to such agreements.*** At the time of occupancy of the first unit, and thereafter, a majority of the total dwelling units in an OSCD shall be owner-occupied, as defined under Article 12. Said requirement shall be enforced through covenants in homeowners or condominium association agreements, or similar documents, the review and approval of which documents shall be a condition of permit approval. The express intent of these provisions is to encourage the early and continuing involvement of residents in the design, development and management of an OSCD. These requirements shall be ongoing and shall be made a condition of the Special Permit.
- 4.583** Subsequent approval of such portion(s) of an ***Final OSCD Plan*** as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the streets and utility system. A favorable action which may be made by the Planning Board on a Special Permit application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or the Rules and Regulations Governing the Subdivision of Land, nor to imply that subdivision approval will be granted.
- 4.584** Each application for a ***Preliminary or a Final*** Open Space Community Development (OSCD) ***Plan*** containing land within the Flood-Prone Conservancy (FPC) District shall be accompanied by an additional set of plans and documents for transmittal to the Conservation Commission. Within ten (10) days of receipt of the application, the Planning Board shall transmit a copy thereof to the Conservation Commission. The Commission shall, at its discretion, investigate the proposed development and report in writing its recommendations to the Planning Board within 35 days of the date of application. The Planning Board shall not take final action on approval of the application until it has received a written report from the Conservation Commission or until the 35 day period has passed without receipt of such a report.

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### **NO RECOMMENDATION.**

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#### **ARTICLE 24. Town Meeting Child Care (Town Meeting Family Care Study Committee)**

To see if the Town will appropriate a pilot program of childcare service at the Middle School to coincide with Town Meeting hours and dates for school-age children for the reasons and under the conditions stated below. If approved, funding will be sought (\$2000) at fall Town Meeting, 2005.

WHEREAS there has been concern that Town Meeting is not representative of the population of Amherst and that one way this is true is that there are not enough families of young children who participate; and

WHEREAS as a Committee we have conducted surveys with Amherst residents including many with young children; and

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WHEREAS there is general support (about 60% of those questioned) that there should be some childcare support in order to make it more possible for families with young children to become candidates and serve on Town Meeting; and

WHEREAS there are also families with other care issues such as adults family members who have need of care; and

WHEREAS there is a need to establish a pilot program in time for the Town Meeting elections of March, 2006 in order that families may know that they may avail themselves of these services when they decide to become candidates for Town Meeting

Now therefore shall the town vote to approve this program.

1. that Leisure Services provide a childcare service at the Amherst Regional Middle School to coincide with Town Meeting hours and dates for school age children;
2. that this service at the Amherst Regional Middle School be available at no charge to any Town Meeting member regardless of income;
3. that Leisure Services be reimbursed from Town appropriations at a rate of \$15 per child per night, with a minimum cost of \$90 per night;
4. that Leisure Services provide a staff leader that is CPR certified and experienced in childcare;
5. that all staff be CORI checked;
6. that all staff ratios comply with Massachusetts office of childcare regulations;
7. that individuals may apply to Leisure Services for financial assistances with family care responsibilities that can only be met in the home;
8. that Leisure Services determine whether the family is eligible for financial aid for homecare according to their routine guidelines;
9. that this cost be borne by the town appropriations through the Town Meeting budget
10. that families utilizing the in home care will be responsible to hire the caregivers themselves;
11. that Town Meeting in order to make participation easier for families begin promptly at 7 pm and end by 9:30 pm;
12. that the town recognize that if approved, funds will need to be authorized by the fall, 2005 Town Meeting to cover the costs of this program. This money that will be budgeted will be \$2000 and unspent funds will be returned to the town.

**RECOMMENDATION: REFER TO THE TOWN MEETING FAMILY CARE STUDY COMMITTEE.** The Finance Committee supports in principal efforts to broaden the representation of Amherst citizens at Town Meeting, and this article offers an attempt to do so at small cost. We agree that action on an appropriation should be put off until this fall's Special Town Meeting. By then, the Town should have a true picture of its financial condition, since the state's distribution of local aid should be settled. Also, the Committee is considering revising its presentation of the General Government operating budget so that Town Meeting expenses are presented in a separate line. Delaying action on this proposal until fall would allow time to make this adjustment and still leave time to implement childcare if Town Meeting approves it. The Finance Committee's vote for this recommendation was unanimous. The Committee voted to refer because at the time the vote was taken, the draft article included an appropriation of \$2,000.

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### ARTICLE 25. Proclamation – Human Rights Principles (Human Rights Commission)

To see if the Town will adopt the following proclamation:

**Whereas** human rights principles represent the highest aspirations of the human race and their violation has resulted in acts that have outraged the conscience of humanity;

**Whereas** such principles can be found in the Universal Declaration of Human Rights, the ultimate standard of human rights and a document increasingly referred to as customary international law; and

**Whereas** such principles are further elaborated in its progeny, such as the Convention on the Elimination of Discrimination against Women; Convention on the Elimination of All Forms of racial Discrimination; and Convention on the Rights of the Child

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**Resolve** that it will commit itself to the progressive realization of human rights principles within the resources of the town, state, nation, and world community and

**Urges** all municipalities, states, nations the international community, that is, every person everywhere to work together in a spirit of cooperation and harmony to realize human rights for all.

### **NO RECOMMENDATION.**

#### **ARTICLE 26.      Petition – Resident Alien Voting                          (V. Morales)**

“To see if the Town will vote to authorize the Select Board to file with the legislature a request for a special act to authorize local voting rights for all categories of permanent resident aliens residing in Amherst, as follows:

SECTION 1.      Notwithstanding the provisions of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, resident aliens eighteen years of age or older and who reside in the town of Amherst may, upon application, have their names entered on a list of voters, established by the town clerk, for the town of Amherst and may thereafter vote in any election for local offices and local ballot questions.

SECTION 2.      The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

SECTION 3.      Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.”

### **NO RECOMMENDATION.**

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#### **ARTICLE 27.      Petition – Animal Welfare                          (B. Bauman)**

“To see if Town Meeting will consider regulating the practice of chaining dogs outside in yards, including time limit, climate conditions, regulations on outdoor shelters, availability of food and water, tethering methods and other relevant issues.”

**RECOMMEND DISMISSAL.** The recommendation to dismiss the article is in response to the petitioner's desire to give further study to the matter before presenting it to Town Meeting. The Finance Committee's vote on this recommendation was unanimous.

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#### **ARTICLE 28.      Petition – “Dual Language” Programs                          (R. Alcorn)**

“Whereas, the Amherst Regional School System needs to create programs that produce students who can communicate and compete effectively in today's global economy; and,

Whereas, the Amherst Elementary Schools spend nothing (\$0.00) to teach World (aka foreign) Languages to English speaking elementary school students; and,

Whereas, English speaking students can be brought together with students fluent in a target language in a mainstream classroom environment, called a “Dual Language” program, to become fluent and literate in English and the target language; and,

Whereas, “Dual Language” programs are a proven method to support the needs of students fluent in a foreign language, both English Language Learners (ELL) and bilingual students, and support the needs of English speaking students who wish to learn a World Language in a mainstream classroom environment without the need for additional staff and at minimal cost to the Amherst Regional School System; and,

Whereas, “Dual Language” programs embrace speakers of foreign languages as an untapped resource; and,



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## ANNUAL TOWN MEETING WARRANT ARTICLES

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Whereas, "Dual Language" programs can support the Amherst Regional School System's goal to have a deeper understanding of our multicultural world; and,

Whereas, sufficient target language students exist today to start Spanish and Mandarin Chinese dual language classes in kindergarten with a grade added yearly until we have comprehensive kindergarten through sixth grade programs; and,

Whereas, the Amherst Regional School System has been studying starting a "Dual Language" Spanish/English program at the Crocker Farms Elementary School and a Chinese/English program at the Wildwood Elementary School and needs to begin implementation.

Now, therefore, shall the town vote to request that the Amherst Elementary Schools initiate mainstream "Dual Language" programs in both Spanish and Mandarin Chinese in the next school year (kindergarten classes starting in Sept. 2005), said programs to be administered and funded as mainstream classrooms with instructors that are grade level certified with additional qualifications needed to teach classes in the targeted World Language, as needed. To pay for such mainstream "Dual Language" programs increase the appropriation for the Amherst Elementary Schools by \$6,000."

**RECOMMENDATION: REFER TO THE SCHOOL COMMITTEE.** The Finance Committee views the proposed language program to be a curriculum matter that should be discussed with the School Committee rather than at Town Meeting. Also, since the elementary school budget is voted as a single number, the School Committee is responsible for deciding how it will allocate its funds. The Finance Committee's vote on this recommendation was unanimous.



## APPENDICES

APPENDIX A

**GLOSSARY**

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**These definitions explain the meaning of some terms frequently used at Amherst Town Meeting as the terms apply to Amherst government.**

**Appropriation** - The authorization by Town Meeting of an expenditure for a specified purpose using money from one or more specified sources (taxation, borrowing, grants, etc.). In most cases, a simple majority vote is required; authorization to borrow and appropriations from the Stabilization Fund require a two-thirds vote.

If the expenditure turns out to be less than the appropriation, the remainder is called an appropriation balance. An appropriation balance from a specific project or use can be made available for similar or related purposes by subsequent votes of appropriation transfers. Appropriation balances in the General Fund which stem from the Town's operating budget revert to Free Cash at the end of the fiscal year.

**Capital expenditure exclusion** - See "Exclusions".

**Capital plan** - A list of proposed expenditures and funding sources for needs such as land acquisition, construction, major equipment and maintenance, and other special projects that add to the value of the Town's assets.

**Cherry Sheet** – The official notification from the State of the amounts and types of aid the State will provide to each municipality in a fiscal year, and the amounts each municipality must pay the State and regional entities for a variety of services provided. The document is called a "cherry sheet" because it comes on pink paper.

**Contingent appropriation** - An appropriation voted by Town Meeting that becomes effective only if the amount is approved in a Proposition 2 1/2 override election.

**Debt exclusion** - See "Exclusions".

**Enterprise fund** - A fund established to provide specific services. The state allows enterprise funds only for water, sewer, solid waste, hospital, recreation services, and transportation. Amherst has five: water, sewer, solid waste, golf course, and transportation. Both the costs and the revenues of the enterprise are segregated from other finances of the Town. The costs of the operation are intended to be financed totally or primarily from user charges. Surplus funds, called unreserved retained earnings, may accumulate in the fund for future use by the enterprise. Surpluses result primarily from revenues in excess of estimates and from unexpended appropriations.

**Excess taxing capacity** - The difference between actual real and personal property taxes levied in any given year and the amount authorized to be assessed under Proposition 2 1/2.

**Exclusions** - Exclusions allow, by referendum, an increase in the amount of property taxes which a community may levy, for a limited period of time, and only for capital purposes. The revenue is in addition to the levy limit, but it neither increases the levy limit nor becomes part of the base for calculating levy limits of future years. "Capital purposes," in this context, are those for which the Town is authorized to borrow under Massachusetts General Laws, Chapter. 44, sections 7 and 8. Generally, this includes public building and public works projects and land and equipment acquisitions.

The money to pay for these projects is authorized by Town Meeting, but only the Select Board, by a two-thirds majority, can place exclusion questions on the ballot to raise money by increasing the levy.

**Capital expenditure exclusion** - A one-year increase in the levy limit approved by the voters in a referendum for the purpose of funding a capital project. The referendum question defines the project, states the maximum amount of the exclusion, and specifies the fiscal year in which the payment will occur.

**Debt exclusion** - A temporary increase in the levy limit approved by the voters in a referendum for the purpose of funding a capital project by means of debt. Both principal and interest are excluded from the levy limit until the debt is retired. The referendum question defines the project, but it does not state the amount of money to be excluded or the years of debt payments. (Estimated amounts are publicized prior to the referendum.)

APPENDIX C

**GLOSSARY**

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**Free Cash** - The unreserved, undesignated fund balance of the General Fund that accumulates from revenues collected in excess of estimates and from unexpended appropriation balances. These are the only sources of Free Cash; money cannot be appropriated to Free Cash. The amount is calculated and certified by the state's Department of Revenue each year as of July 1, the first day of the fiscal year. Free Cash may be spent by Town Meeting appropriation only, by majority vote.

**General Fund** - The general operating fund of the Town. It includes revenues from taxation, general state aid, school aid, and all other financial resources that are not held for specific purposes. Expenditures from this fund may be for any purpose for which a municipality may legally appropriate funds. Enterprise Fund money is not part of the General Fund.

**Levy** - *Verb*: To impose a tax. *Noun*: The total amount of real and personal property taxes assessed in any given year, referred to as "the levy".

**Levy ceiling** - The limit imposed by Proposition 2 1/2 which equals 2 1/2% of the total full and fair cash value of all property in the Town. The levy may not exceed this amount; taxpayers may not vote a higher amount in an override. The levy ceiling is equal to a tax rate of \$25 per \$1,000 of valuation.

**Levy limit** - The amount that a town may raise in taxes each year without approval by the voters in a referendum. The levy limit is the prior year's limit plus 2 1/2% of that amount plus an amount approved by the state that resulted from "new growth".

Referenda of two types may be used to increase the limit: override and exclusion.  
These are defined elsewhere in this list.

**New growth** - The increased value in a given year of new development and other growth in the tax base that is not the result of revaluation. Included are physical additions or improvements to taxable property, exempt real property returned to the tax roll, new personal property, and new subdivision parcels and condominium conversions. New growth of one year becomes part of the base for calculating the next year's levy limit.

**Overlay / reserve for abatements and exemptions** - Tax abatements and exemptions are allowed for a variety of reasons specified in the Massachusetts General Laws. At the time the levy is assessed, the amount of qualifying abatements that will be granted is not determinable; therefore an amount of money must be set aside to provide for these abatements. If at the end of a fiscal year a balance remains in the reserve and the Assessors determine that no further claims are pending, the amount remaining may be reappropriated for other purposes or closed to Free Cash.

**Override** - A permanent increase in the levy limit approved by the voters in a referendum. The increase becomes part of the base for calculating levy limits of future years.

An override ballot question requests funding for expenses that are expected to continue into the future. The purpose stated in the question may be broad (for example, "general operating expenses") or narrow (for example, "two fire fighters"). The amount of money is also stated in the question, along with the fiscal year in which the increase is to become effective. Money from an override is earmarked for the purpose stated in the ballot question in the first year the override is in effect. Funding for this purpose can be expected to continue, even though, in subsequent years, the money is considered to be an undifferentiated part of the General Fund.

Overrides may be structured in any of three forms: a single ballot question stating a single purpose and related amount of money; a "pyramid" consisting of two or more separate ballot questions stating the same purpose but different amounts of money in each question; or a "menu" of separate questions, each stating a different purpose along with its related amount of money.

Override questions can be put on the ballot only by majority vote of the Select Board. The form of the override and the wording of the question or questions is also determined by the Select Board.

**Reserve Fund** - An account voted annually by Town Meeting to be used for extraordinary and unforeseen expenses that may occur during a fiscal year. The appropriation may not exceed 5% of the previous year's tax levy. Transfers from this fund are made by vote of a majority of the Finance Committee.

APPENDIX C

**GLOSSARY**

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**Reserves** - Money accumulated for future expenditure. Free Cash and the Stabilization Fund are general reserves that may be used for a wide variety of purposes. Some reserves are available only for restricted purposes, for example, the Ambulance Account, the Conservation Fund, the Parking Meter Receipt Account, and the Sale of Real Estate Account.

**Revolving Fund** - A special purpose account that accumulates revenues based on charges for services and from which expenditures are made without Town Meeting appropriation for uses for which the revenue was collected. The purposes for which the Massachusetts General Laws authorize such accounts to be established are recreation, adult education, and school lunch. These funds differ from enterprise funds in that they do not accumulate and capitalize assets, there are restrictions on the size of fund balances they may retain from year to year, and some restrictions are placed on the purposes for which funds may be expended.

**Stabilization Fund** - An account established to save funds for future needs. Town Meeting may appropriate funds to the account, subject to limits imposed by state law. Transfers from the account may be made at Annual or Special Town Meetings for any lawful purposes. A two-thirds vote of Town Meeting is required to transfer money out of the fund.

The state originally limited use of this fund to capital purposes only, a restriction that no longer exists. Amherst has continued to appropriate from this fund according to the former restriction.